SINGLE BENCH

CF 1024

IN THE HIGH COURT OF CHHATTSIGARH AT BILASPUR

W.P.C No 7565 /2006

PETITIONERS :
1. Biharilal s/o Parasnath Koir aged about 40 years.

PROPOSED DEFENDANTS

2.Smt. Kalawati w/o Biharilal aged about 35 years.

3. Shailendra Kumar s/o Bihari Lal, aged about 13 years.

4. Nilesh Kumar s/o Biharilal, aged about 11 years.

5. Abhilesh Kumar s/o Biharilal aged about 9 years.

P.R. No. 4492/06
Presented by Shri A.K. Prasad
dated 12/9/06

No. 3 to 5 Minor, through their father and natural Guardian Biharilal, Petitioners No. 1.

All r/o village Amhar, Tehsil Baikunthpur, District Koria, C.G.

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12/9/06
CLERK to A. G. BILASPUR

V E R S U S

Contd.. 2

(3) (5)

RESPONDENTS : 1. Kailashnath Kushwaha s/o Shobhit Prasad Kushwaha, age 45 years, r/o village Amhar, Post Patna, Tehsil Baikunthpur, Dist. Koria, C.G.
(PLAINTIFF)

2. Parasnath s/o Mahabeer Koir, age 70 years, Occupation-Agriculture, r/o village Amhar, Post Patna, Tehsil Baikunthpur, Distt. Koria, C.G.
(DFD. No. 2)

3. Sugreev Prasad Sahu s/o Ram Deo Sahu, Occupation-Agriculture, r/o village Rampur, Post Patna, Tehsil Baikunthpur, District Koria, C.G.
(DFD. NO. 3)

4. The State of M.P. (Now C.G.) through Collector, Koria, Baikunthpur.
(PROFORMA DEFENDANT)

5. Ramdulare Sahu s/o Ramdhani Sahu, age 73 years, Occupation-Agriculture, r/o village Targawan, Post Kasra, P.s. Patna, Tehsil Baikunthpur, District Koria, C.G.
(DFD. NO. 5)

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WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA.

XI-HC-78

(69)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.(PR) No. 4497

मामला क्रमांक ..... सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	14/12/2006 Shri A.K. Prasad, Counsel for the petitioners. Shri Akhil Agrawal, Panel Lawyer for the State/respondent No. 4. Heard. The petitioners are aggrieved by order dated 10.8.2001 passed by Civil Judge, Class-II, Baikunthpur, District Korea in Civil Suit No. 10-A/2001 whereby the application preferred by the petitioners under order 1 Rule 10(2) of the C.P.C. was rejected. Aggrieved by the said order, the petitioners preferred Civil Revision No. 596/2001. On 20.10.2005, Civil Revision No. 596/2001 was dismissed for non-prosecution. Aggrieved by the said order, the petitioners preferred an application for restoration of Civil Revision, M.C.C. No. 243/2005. On 6.3.2006, learned counsel for the petitioners prayed for withdrawal of the petition as a result of which M.C.C. No. 243/2005 was also dismissed as withdrawn. As a result ~~In this view of the matter,~~ the order passed by the Civil Judge, Class-II dated 10.8.2001 in Civil Suit No. 10-A/2001 attained finality. In this view of the matter, this writ petition is liable to be dismissed at the stage of admission. If the petitioners are so advised, they would be at liberty to institute a separate Civil Suit, if permissible under law. With the aforesaid observation, this petition is dismissed. C.C. as per rules. **Sd/-** **D.R. Deshmukh** **Judge**	
Kvr		

P.T.O.

26/12/06